13-00-007336
Whalen, John

October 20, 2000
Sergeant Tom Loos

I spoke with John Whalen in a basement storage room of his home. Sgt. Bussman was in the adjacent family room during the time of our conversation. Detective Johnson was in the family room behind the bar where the footlocker was located. I sat in a chair near Mr. Whalen and attempted to answer some questions he had. He asked if he was going to be arrested. I explained that he was not under arrest nor was he going to be arrested before we left his home. I told him that he was free to come and go as he pleased and could leave any time he chose. He asked what we would do if he left and I explained that we would continue with our search and evidence collection then leave. He asked who was going to view the items in his footlocker, expressing concern of embarrassment. I asked Mr. Whalen about the 8mm video camera that he told Detective Johnson had been loaned out. He explained that he loaned it to someone last Sunday

(October 15th) and he did not want to tell us the person's name for fear of getting someone into trouble. When I explained that I had reason to believe that the camera was in the house on Thursday, (October 19th) Mr. Whalen asked why the camera was important. I explained that the camera and the video it contained were specifically named in the search warrant. He asked what I thought the camera would show and I explained that I believed the video tape contained a recording of him and a teenager masturbating each other. Mr. Whalen asked if the fact that the teenager consented would make a difference. I told him that there were several factors that had to be considered when deciding how significant the recording would be. Mr. Whalen asked how long we were going to search. I explained that we would continue to search until we looked every place that could contain the video camera. Mr. Whalen agreed to show me where the video camera was after I agreed to view a portion of the tape and discuss the significance of it with him.

Mr. Whalen left the basement and walked up the stairs into his living room. He opened the door to an end table near the front door and removed a camera. We returned to the basement. Detective Johnson and I watched a portion of the recording with Mr. Whalen. Mr. Whalen then explained that the teenager in the video was a young man that he knew from around the neighborhood named David who was a Sophomore at Covington Catholic High School. He believed David to be 15 or 16 years old. He further stated that the encounter was consensual and that it occurred on Wednesday (October 18th) afternoon. I asked for additional details and Mr. Whalen asked if he should speak with an attorney. I explained that I couldn't answer that question but explained again that he wasn't being detained and he was free to do whatever he wanted and call anyone he wanted. Mr. Whalen said that he thought he should speak to an attorney.